

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 4272

Bhavesh Mehta, et al.

Group Art Unit No.: 3622

Serial No.: 10/648,599

Examiner: Jeffrey D. Carlson

Filed on: August 25, 2003

For: SELECTING AMONG ADVERTISEMENTS COMPETING FOR A SLOT
ASSOCIATED WITH ELECTRONIC CONTENT DELIVERED OVER A
NETWORK

Via EFS-Web
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDED APPEAL BRIEF

Sir:

This Amended Appeal Brief is submitted in response to the Notification of Non-Compliant Appeal Brief mailed on May 17, 2010. According to that Notification, only the “Summary of Claimed Subject Matter” section is required to be included herein.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Independent Claim 21 is directed towards an approach for determining which advertisements to include with electronic content delivered to users over a network. According to the approach of Claim 21, a plurality of contracts are accepted, each of which is associated with an advertisement, delivery obligations of the advertisement, delivery criteria of the advertisement, and an advertiser. The plurality of contracts includes a first contract and a second contract. The second contract is accepted after the first contract. The delivery obligations associated with the second contract are such that fulfillment of the second contract would likely prevent the delivery obligations associated with the first contract from being fulfilled. (See paragraph 24).

A request to provide, over the network, a piece of electronic content that includes a slot for an advertisement is received from a user (See step 102 of FIG. 1 and paragraph 27). The piece of electronic content has a subject, which is an attribute of the slot that is included in the piece of electronic content (see paragraph 8).

In response to receiving the request, delivery criteria associated with the plurality of contracts is determined (see paragraph 4). Slot attributes of the slot are compared with the delivery criteria of the plurality of contracts to determine a subset of the plurality of advertisements that qualify for inclusion in the slot (see paragraph 27). The subject of the piece of electronic content is one of the slot attributes compared with the delivery criteria (see paragraph 8). Both a first advertisement associated with the first contract and a second advertisement associated with the second contract qualify for inclusion in the slot (see paragraph 29). The second contract is associated with a behindness value that is currently greater than a behindness value associated with the first contract. The behindness value

reflects how far behind a content provider is on satisfying the delivery obligations associated with each contract (see paragraph 13).

From the subset of advertisements, the first advertisement is selected to include in the slot based, at least in part, on the first contract having been formed before the second contract. The first advertisement is inserted into the slot to create a modified piece of electronic content. As a response to the request, the modified piece of electronic content is delivered to the user (see paragraph 32).

Independent Claim 30 recites the same steps recited in Claim 21 and discussed above. Therefore, support for those steps are supported in Applicants' specification as noted above. Further, Claim 30 recites a computer-readable storage medium storing instructions which, when executed by one or more processors, cause the one or more processors to perform the steps (see paragraphs 35 and 36) recited in Claim 21.

Respectfully submitted,

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